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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,890	06/08/2001	Frank Diebolt	Q64615	7222

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Washington, DC 20037-3213

EXAMINER

UBILES, MARIE C

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,890

Applicant(s)

DIEBOLT ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Jun 8, 2004</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds the specified range. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: the syntax needs to be corrected in order to make the claim language more clear. Claim 9 further recites the limitation "said computer (7) while latter", the Examiner suggests Applicant to name the claimed element "computer". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "on it" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,230,024).

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Wang et al. discloses a method for transferring a process command (or *AT command*) from a wireless telecommunications device (i.e. *mobile station 104*) inside a cellular telecommunications network (See Fig. 1, 100) covered by a base station (See Fig. 1, 102) recognizing said wireless telecommunications device when active, to some terminal (i.e. *fax 124*) which is part of a network (i.e. *PSTN 128*) (See Col. 3, lines 44-48) while said terminal is related to said cellular telecommunications system through at least a computer (or *CPU 610*) (See Fig. 6, Col. 7, lines 59-64), said method comprising, generating said process command on said wireless telecommunications device for said transfer (as read on "*mobile station 104 generates and transmits the AT+CFG="" signal 310...*") (See Col. 6, lines 46-57); transmitting a radio signal related to said process command from said wireless telecommunications device to one of said base station (See Col. 6, lines 57-59); forwarding at least part of said process command from said base station to said computer (See Col. 7, lines 59-64); applying some rules on said computer (may be read on the process following a user depression of a select button) to select said terminal being in a same cell of said cellular telecommunications system as said base station which received said radio signal; and performing at least part of said process command on said terminal (as read on "It is understood that this process may also work in reverse order") (See Col. 3, lines 34-48).

It can be seen that Wang's et al. system lacks the limitation specifying "at least two cells covered each one by a base station". However, it is common knowledge in the art of cellular or wireless telecommunications to provide a network with more than one

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base station, and thus in this manner provide the user with service continuous coverage. The coverage area of a base station is usually known as a cell.

As for claim 3, the limitation specifying "activation of a print of some data accessible via said wireless telecommunications device" reads on the inverse process of send a fax from the *MS 104* to the *fax 124* (See Col. 3, lines 34-48).

As for claim 4 and 6, it is well known in the art that fax machines perform a process of printing data sent to the facsimile machine (or "transfer of telecommunications connection", thus the fax machine behaves a printer.

As for claim 7, it can be seen in Figure 1 that fax 124 is characterized is at least in part a telephone (or *telephone 132*).

As for claim 8, the "programming code generating a process command to be transferred from said wireless telecommunications device to some terminal..." reads on the process performed by Wang's et al. system after receiving the AT dial command. (See Col. 6, line 39 through Col. 7, line 11).

As for claim 5, the Examiner takes Official Notice that systems and methods exists in the art to display a fax transmittal in a monitor.

7. Claims 2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,230,024) in view of Baker et al. (US 6,195,545).

As for claim 9, Wang et al. lacks the limitations "a network made of at least two different terminals" and "said processing means performing a selection between said terminals for finding said terminal, being in the same cell as said wireless

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telecommunications device at the time said process command was generated on it, and toward which subsequently at least part of said process command is sent".

Baker et al. teaches "The binding is based on a determination of the proximity of the mobile to the other terminal, such that the mobile registers to different complex system terminals as it moves between different cells of the system. In accordance with the invention, a proximity-based temporary association is established, in a memory of a system switch, between the mobile and at least one other system terminal. While the mobile is "registered" in this manner to the other terminal, the mobile user can request permission to utilize the functions of the other terminal in order to, for example, receive incoming calls or place outgoing calls. Other embodiments of the invention provide proximity-based registration which utilizes a beacon device carried by the user, such that the user automatically registers to different system terminals as he or she moves about within the system." (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Wang's et al. system as per the teachings of Baker et al. and thus in this manner provide a system capable of selecting a communications terminal based on the proximity to a mobile telephone or wireless device.

Claim 2 is rejected for the same reasons as claim 9.

As for claim 10, the messaging system reads on the digital fax transmission taught by Wang et al.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rupp et al. (GB 2,329,302) teaches a wireless facsimile data transmission system.

Yamakita (US 6,366,698) teaches a portable terminal device for transmitting image data via a network.

Dervarics (US 6,553,240) teaches a print option for WAP browsers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

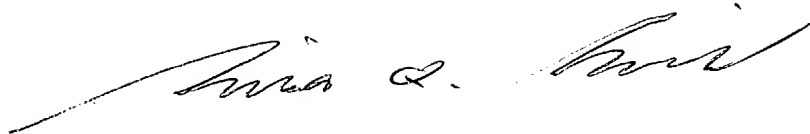
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Marie C. Ubiles

September 23, 2004.

A handwritten signature in black ink, appearing to read "Bing Q. Bui". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a stylized ending.

**BING Q. BUI**  
**PRIMARY EXAMINER**